

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
	:	
	:	
-vs-	:	NO. 3:CR-04-373
	:	
	:	(Judge Kosik)
DAVID M. RHODES,	:	
	:	
Defendant	:	

MEMORANDUM AND ORDER

Although this case is scheduled for trial on July 31, 2006, we have a defense motion, filed on July 17, 2006, to “Suppress/In Limine” a search pursuant to a warrant which occurred on the defendant’s home and car on November 1, 2004. The ground to suppress is that the search warrant was devoid of probable cause when issued by a Magistrate Judge in this district.

Background

Since we write for the benefit of the parties, we will only review the background we deem pertinent to this motion.

To date, the defendant has had four lawyers; initially a public defender and three separately retained lawyers, including his present counsel. There have been no less than eight extensions of time to file pre-trial motions, and the case has been previously scheduled for trial on two or three occasions. In fact, previous counsel have filed motions to dismiss, for a bill of particulars, and to suppress statements of the defendant. These have been resolved.

Discussion

The present motion is untimely and no excuse for its untimeliness has been offered in the motion. Regardless, we have examined the probable cause affidavit and believe it states probable cause for a search warrant, a conclusion similarly arrived at by an experienced Magistrate Judge.

Accordingly, the motion is **DENIED**.

SO ORDERED.

s/Edwin M. Kosik

United States District Judge

Date: July 26, 2006